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## BOLIVIA-PERU. TREATY OF GENERAL ARBITRATION.

*Signed, November 21, 1901.*

The president of the republic of Bolivia and the president of the republic of Peru, being desirous to draw closer the bonds which exist between the two states, by establishing arbitration in the relations of the two republics, have for that purpose named as their plenipotentiaries:

His excellency the president of the republic of Bolivia, Dr. Federico Diez de Medina, his minister of foreign relations; and his excellency the president of the republic of Peru, Dr. Felipe de Osma, his envoy extraordinary and minister plenipotentiary, who have concluded the following treaty of arbitration:

## ARTICLE 1.

The high contracting parties pledge themselves to submit to arbitration all the controversies which have thus far been pending, and those which, while the present treaty is in force, may arise between them, whatever may be their nature and causes, provided that it has been found impossible to settle them by direct negotiation.

## ARTICLE 2.

In each case that may arise the contracting parties shall conclude a special agreement with a view to determining the subject-matter of the controversy, to fixing the points that are to be settled, the extent of the powers of the arbitrators, and the procedure to be observed.

## ARTICLE 3.

In case the high contracting parties do not succeed in agreeing on the points referred to in the foregoing article, the arbitrator shall be authorized to determine, in view of the claims of both parties, the points of fact and of law that are to be decided for the settlement of the controversy, and to establish the mode of procedure to be followed.

## ARTICLE 4.

The high contracting parties agree that the arbitrator shall be the permanent court of arbitration that may be established in virtue of the decisions adopted by the Pan-American Conference now sitting in the City of Mexico.

## ARTICLE 5.

For these two cases: (*a*) if the court referred to in the foregoing article shall not be created, and (*b*) if there is need of having recourse to arbitration before that court shall be created, the high contracting parties agree to designate as arbitrator the government of the Argentine Republic, that of Spain, and that of the United Mexican states for the performance of this duty, one to act in case of the disability of the other, and in the order in which they are named.

## ARTICLE 6.

If, while the present treaty is in force, and in the two contingencies referred to in the foregoing article, different cases of arbitration shall arise, they shall be successively submitted for decision to the aforesaid governments in the order above established.

## ARTICLE 7.

The arbitrator shall further be competent:

1. To pass upon the regularity of his appointment, the validity of the agreement, and the interpretation thereof.
2. To adopt such measures as may be necessary, and to settle all difficulties that may arise in the course of the debate. Concerning questions of a technical or a scientific character that may arise during the debate, the opinion of the Royal Geographical Society of London or that of the International Geodetic Institute of Berlin shall be asked.
3. To designate the time in which he shall perform his arbitral functions.

## ARTICLE 8.

The arbitrator shall decide in strict obedience to the provisions of international law, and, on questions relating to boundary, in strict obedience to the American principle of "*uti possedetis*" of 1810, whenever, in the agreement mentioned in article 2, the application of the special rules shall not be established, or in case the arbitrator shall (not?) be authorized to decide as an amicable referee.

## ARTICLE 9.

The decision shall decide, definitely, every point in dispute, stating the reasons therefor. It shall be prepared in duplicate, and notice thereof shall be given to each of the parties through its representative before the arbitrator.

## ARTICLE 10.

The decision, legally pronounced, shall decide, within the limits of the scope, the contest between the parties.

## ARTICLE 11.

The arbitrator shall fix, in his decision, the time within which said decision is to be executed.

## ARTICLE 12.

No appeal from the decision shall be allowed, and its execution is intrusted to the honor of the nations that sign this treaty.

Nevertheless, an appeal for revision to the arbitrator who pronounced it shall be admissible, provided that such appeal be taken before the expiration of the time fixed for its execution, in the following cases:

1. If the decision has been pronounced on the basis of a counterfeit document, or of one that has been tampered with.
2. If the decision has been, either in whole or in part, the consequence of a fact resulting from the proceedings or documents of the case.

## ARTICLE 13.

An appeal for revision shall in no case be required after six months from the time when notice of the decision shall have been given.

## ARTICLE 14.

The high contracting parties shall appoint their representatives for the proceedings, shall place at the disposal of the arbitrator all the information in their power, and shall pay their own expenses and one-half of the general expenses of the arbitration.

## ARTICLE 15.

The same arbitrator who pronounced the decision shall decide concerning such questions as may arise in the execution thereof.

## ARTICLE 16.

This treaty shall remain in force for ten years, reckoned from the date of the exchange of its ratifications. If no notice shall be given six months before its expiration of a desire for the cessation of its effects, it shall continue in force ten years longer, and so successively.

## ARTICLE 17.

The ratifications of this treaty shall be exchanged at **La Paz** or at **Lima** within one year from the day of its date.

In testimony whereof, the undersigned have signed and sealed this treaty, prepared in duplicate, in the city of **La Paz**, on the 21st day of the month of November, 1901.

FEDERICO DIEZ DE MEDINA.

FELIPE DE OSMA.

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BOLIVIA-PERU. TREATY RELATING TO THE DEMARCATION OF FRONTIERS.

*Signed, September 23, 1902.*

The government of the republic of Peru and of the republic of Bolivia, having in view the solution by peaceful and friendly means of the controversy as to limits now pending between both countries, have agreed to define and fix the divisionary line, and have appointed for this purpose their plenipotentiary, viz:

His excellency the president of Peru has appointed Dr. Felipe de Osma its envoy extraordinary and minister plenipotentiary to the Government of Bolivia.

His excellency the president of the republic of Bolivia has appointed Dr. Eliodoro Villazou, the minister of foreign affairs.

These parties, after exhibiting their full powers and finding them to be in due form, have agreed to the following articles:

## ARTICLE 1.

The two high contracting parties agree to proceed to the demarcation of the frontier, from the point of intersection between this and the boundary of the territories occupied by Chile, in accordance with the third clause of the treaty of peace of 1883, on the west, and as far as the snow fields or Palomani on the east, it being understood that in this region the terminating point of the divisionary line is to be fixed in accordance with the surveys and indications of the commission of limits. The settlement of the question as to the remainder of the frontier is reserved for another special convention.

## ARTICLE 2.

The high contracting parties likewise agree to proceed, in accordance with the conditions of the present treaty, to the demarcation of the line